

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION OF CINCINNATI**

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|-----------------------------|---|--|
| TANYA BARRETT-PETERS |) | CASE NO.: 1:22-CV-00712 |
| |) | |
| Plaintiff, |) | JUDGE |
| |) | |
| vs. |) | <u>NOTICE OF REMOVAL OF CIVIL</u> |
| |) | <u>ACTION</u> |
| WAL-MART INC. |) | |
| |) | |
| Defendant. |) | |
| |) | |

Defendant Wal-Mart, Inc. (hereinafter “Defendant”), by and through counsel, and pursuant to 28 U.S.C. § 1446, respectfully submits this Notice of Removal of Civil Action from the Clermont County, Ohio Court of Common Pleas to the United States District Court, Southern District of Ohio, Western Division at Cincinnati. In support of its Notice, the Defendant states the following:

1. Wal-Mart, Inc. has been named as a Defendant in a civil action filed in the Clermont County Court of Common Pleas, Ohio, styled as *Tanya Barrett-Peters v. Wal-Mart, Inc.*, Case No. 22CVC01072. (A true and correct copy of the Complaint and state pleadings are attached hereto as Exhibit A). According to the state court docket, the Complaint was served on Defendant on November 14, 2022. A copy of the Answer filed in State Court is attached hereto as Exhibit B.

2. In Plaintiff’s Complaint, Plaintiff alleges that on November 11, 2020, she was injured as a result of a slip and fall in the Produce Department (Pl. Comp., ¶ 21). Plaintiff alleges that she suffered temporary and permanent bodily injuries; has endured pain and suffering and will continue to do so in the future; has incurred medical expenses in an undetermined amount and will continue to do so in the future; and has suffered damages for the lost enjoyment of life and will

continue to suffer damages for the loss of enjoyment of life in the future (Pl. Comp., ¶ 22). The Defendant specifically denies any wrongdoing or civil liability to Plaintiff.

3. Upon information and belief and as alleged in Plaintiff's Complaint, Plaintiff is a citizen of the State of Ohio.

4. Defendant, Wal-Mart, Inc., is a corporation organized and existing under the laws of Delaware with its principal place of business in Arkansas.

5. Plaintiff's Complaint did not allege any specific amount or range in damages – and instead requested only “an amount in excess of \$25,000.00 (Twenty-Five Thousand Dollars), prejudgment interest to be determined by the Court plus costs and all other relief to which she may be entitled.”

6. This Notice of Removal is timely because it has been filed within thirty (30) days after the moving Defendant's receipt of Plaintiff's Complaint.

7. The United States District Court for the Southern District of Ohio has diversity jurisdiction over this case pursuant to 28 U.S.C. § 1332. Removal is proper because:

- a. Plaintiff is an Ohio resident;
- b. Defendant Wal-Mart, Inc. is a corporation in the State of Delaware;
- c. The amount in controversy in this case exceeds seventy-five thousand dollars (\$75,000).

8. Pursuant to 28 U.S.C. § 1446(d), written notice of the removal of this case (attached hereto as Exhibit C), together with a copy of this Notice of Removal is being filed with the Clerk

of the Clermont County, Ohio Court of Common Pleas and shall be served on Plaintiff, through her counsel.

WHEREFORE, the Defendant prays that this action be removed from the Clermont County, Ohio Court of Common Pleas to the United States District Court for the Southern District of Ohio, Western Division at Cincinnati, and request that this Court assume full jurisdiction over the case herein as provided by law.

Respectfully submitted,

REMINER CO., L.P.A.

/s/ Michael J. Caligaris

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Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was filed this 2nd day of December, 2022, using the Court's CM/ECF electronic filing system which will send notice to all counsel of record, upon the following:

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/s/ Michael J. Caligaris

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